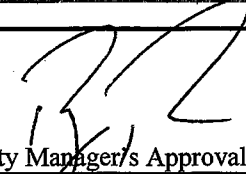




*Report to the  
Auburn City Council*

Information Item
5
Agenda Item No.

City Manager's Approval

**To:** Mayor and City Council Members  
**From:** Mark D'Ambrogi, Fire Chief  
**Date:** July 11, 2011  
**Subject:** Weed abatement-Declare Public Nuisance

**The Issue**

Shall the City Council, by Resolution, declare Public Nuisance of certain properties within the City of Auburn identified as containing weeds, rubbish, and or debris?

**Conclusion and Recommendation**

Staff recommends the City Council, by resolution, declare Public Nuisance of certain properties within the City of Auburn identified as containing weeds, rubbish, and or debris, as listed in Exhibit "A".

**Background**

The weed abatement process requires the City Council to first declare Public Nuisance of those properties that have been identified as containing weeds, rubbish, and or debris as potential hazard to the threat of fire. Such properties as listed in Exhibit "A" have been issued written notice to destroy, remove, or render safe such hazards. This is the first step of the City Weed Abatement Process. Upon inspection and request for action, those properties that do not comply with such requests will be noticed of Public Hearing at a later date to order abatement; removal of such hazard(s) by the City, and will be responsible for all costs associated with such process. Declaration of Public Nuisance is the first step in the process and must be done so to carry out the remaining steps in a timely manner.

It is fully anticipated that better than 95% of properties as listed in Exhibit "A" will comply with first request to abate such hazards. This initial step is a formality of the Weed Abatement Process.

**Alternatives Available to Council; Implications of Alternatives**

1. Adopt a resolution to declare Public Nuisance;
2. Take no action.

**Fiscal Impact**

No direct costs are identified specific to this process. Future actions incurred by the City may be recovered by payment from the property owners through the weed abatement process.

**Attachment**

Exhibit "A"

Mark D'Ambrogio  
Fire Chief

**"Exhibit A"**  
**Weed Abatement**

<b>Street Name</b>	<b>Address</b>	<b>APN</b>
Buena Vista	193	001-121-032-000
Deerbooke Trail	790	042-410-083-000
Dorothy Way	659	001-012-016-000
Eagles Nest	3075	055-290-004-000
East Placer	188	002-092-028
Electric St	240	003-012-009-000
Electric St	250	003-012-010-000
Electric St		003-012-025
Foresthill Ave	Lot	003-072-011-000
High Street	1780	004-360-005-000
High Street	1760	004-360-004-000
High Street	1720	004-360-002-000
High Street	1700	004-360-001-000
High Street	1605	004-100-033-000
High Street	1585	004-100-034-000
High Street	1500	004-100-020-000
High Street	1780	004-360-005-000
High Street	1800	004-360-006-000
High Street	1600	004-100-025-000
High Street	1585	004-100-034-000
Jordan Lane		003-130-009-000
Kenmass	155	002-092-039-000
Kenmass Alley		002-092-039-000
Lakeridge Drive	604	042-407-007-000
Lakeridge Drive	627	042-410-089-000
Lincoln Way	995	002-190-035
Live Oak	267	001-150-015-000
Maidu and Riverview		055-040-028-000
Maidu and Riverview		055-040-029-000
Maidu and Riverview		055-040-031-000
Miles Court	465	004-360-014-000
Miles Court	420	004-360-008-000
Miles Court	460	004-360-010-000
Nevada Street	142	001-143-039-000
Nevada Street	136	001-143-022-000
Nevada Street	120	001-143-013-000
Nevada Street	130	001-143-014-000
Nevada Street	116	001-143-012-000
Nevada Street	455 (open)	038-150-002-000
North McDaniel	119	004-310-033-000
Olive Orchard	446	003-103-008-000
Placerado Street	190	004-091-004-000
Reamer Street	215	002-073-006-000
Robie Point	382	055-020-023-000
Robie Point Area		004-176-026-000
Sacramento Street	195	002-240-071-000
Sacramento Street	520	055-150-007-000
Sunrise Ridge Circle	10760	042-380-024-000
Virginia/Open Parcel		004-083-016-000

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**RESOLUTION NO. 11-**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**  
**AUBURN DECLARING THAT WEEDS GROWING UPON AND IN**  
**FRONT OF, AND BRUSH, RUBBISH, REFUSE, AND DIRT UPON**  
**AND IN FRONT OF IMPROVED, DEVELOPED AND OTHER**  
**PROPERTIES IN THE CITY ARE A PUBLIC NUISANCE, AND**  
**DECLARING ITS INTENTION TO PROVIDE FOR THE**  
**ABATEMENT THEREOF**

-----  
**THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE AS**  
**FOLLOWS:**

BE IT RESOLVED THAT, pursuant to the provisions of Articles 1 and 2, Chapter 13, part 2, Division 3, Title 4, of the California Government Code, Sections 39560 to 39588, inclusive, and evidence received by it, the City Council of the City of Auburn specifically finds:

SECTION 1: That the weeds growing upon the streets and sidewalks in front of said property are weeds which bear seeds of a wingy or downy nature or attain such large growth as to become a fire menace to adjacent improved property when dry, or which are otherwise noxious or dangerous.

SECTION 2. That the presence of dry grass, stubble, refuse, or other flammable materials are conditions which endanger the public safety.

SECTION 3. That by reason of the foregoing fact, the weeds or dry grass, stubble, refuse, or other flammable material growing or existing upon the properties hereinafter described, and upon the streets and sidewalks in front of said property constitute a public nuisance and should be abated as such.

1  
2 SECTION 4. That the private property, together with the streets and  
3 sidewalks in front of same herein referred to, is more particularly described as  
4 follows, to-wit: Those properties described in Appendix "A" attached hereto  
5 and by this reference made a part hereof as though set forth in full at this  
6 point.

7  
8 THEREFORE BE IT RESOLVED, pursuant to the foregoing findings of fact,  
9 that the weeds or dry grass, stubble, refuse, or other flammable material in  
10 and upon and in front of the real property hereinbefore described constitute  
11 and are hereby declared to be a public nuisance which should be abated. The  
12 Fire Chief, is hereby designated the person to give notice to destroy said weeds  
13 or dry grass, stubble, refuse, or other flammable material and shall cause  
14 notices to be given to each property owner by United States Mail and said  
15 notice shall be substantially in the following form to-wit.

16 NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE, AND  
17 DIRT

18 Notice is hereby given that on the 11<sup>th</sup> day of July 2011, the City Council  
19 of the City of Auburn passed a resolution declaring that noxious or dangerous  
20 weeds were growing upon or in front of the property on this street, and that  
21 rubbish, refuse, and dirt were upon or in front of property on this street, in  
22 Auburn are more particularly described in the resolution, and that they  
23 constitute a public nuisance which must be abated by the removal of the  
24 weeds, rubbish, refuse, and dirt. Otherwise they will be removed and the  
25 nuisance abated by the City and the cost of removal assessed upon the land  
26 from or in front of which the weeds, rubbish, refuse, and dirt are removed and  
27 will constitute a lien upon such land until paid. Reference is hereby made to  
28

1 the resolution for further particulars. A copy of said resolution is on file in the  
2 office of the City Clerk.

3 All property owners having any objections to the proposed removal of the  
4 weeds, rubbish, refuse, and dirt are hereby notified to attend a meeting of the  
5 City Council of the City of Auburn to be held on July 25, 2011 at 6:00 p.m.  
6 when their objections will be heard and given due consideration.

7 BE IT THEREFORE RESOLVED, that the Fire Chief is hereby authorized  
8 and directed to authorize the recovery of costs of inspection of the properties  
9 hereinabove described in a manner consistent with prior action of the City  
10 Council. The recovery of these costs is vital to the ongoing operation  
11 governing the identification and abatement of those properties that constitute  
12 public nuisances and endanger the public safety.

13  
14 BE IT FURTHER RESOLVED THAT the 25th day of July 2011, at the  
15 hour of 6:00 p.m. in the City of Auburn, is the day and hour, and the Meeting  
16 Room of the City Council at City Hall is the place when and where any and all  
17 property owners having any objections to the aforesaid proposed removal of  
18 weeds or dry grass, stubble, refuse, or other flammable material may appear  
19 before the City Council and show cause why said weeds or dry grass, stubble,  
20 refuse, or other flammable material should not be removed in accordance with  
21 this resolution, and said objections will then and there be heard and given due  
22 consideration; and

23  
24 BE IT RESOLVED THAT the notices to destroy weeds or dry grass,  
25 stubble, refuse or other flammable material hereinbefore referred to shall be  
26 mailed by the City of Auburn at least ten days prior to July 25, 2011.

27 DATED: July 11, 2011  
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William W. Kirby, M.D., Mayor

ATTEST:

\_\_\_\_\_  
Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular meeting of the City Council of the City of Auburn held on the 11<sup>h</sup> day of July 2011 by the following vote on roll call:

Ayes:  
Noes:  
Absent:

\_\_\_\_\_  
Joseph G. R. Labrie, City Clerk

1 ABATEMENT ORDER

2  
3 \_\_\_\_\_ July 25, 2011

4  
5 FOLLOWING THE PUBLIC HEARING HELD July 25, 2011 IN THE MATTER OF  
6 RESOLUTION TO ABATE NOXIOUS WEEDS, RUBBISH, AND REFUSE, THE CITY  
7 COUNCIL OF THE CITY OF AUBURN, BY MOTION ADOPTED AN ORDER  
8 DIRECTING THE ABATEMENT OF THE NUISANCE BY HAVING THE WEEDS,  
9 RUBBISH, AND REFUSE REMOVED.  
10

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13 CITY COUNCIL OF THE  
14 CITY OF AUBURN  
15

16  
17 BY \_\_\_\_\_  
18 William W. Kirby, M.D., Mayor  
19

20 ATTEST:

21  
22 BY \_\_\_\_\_  
23 JOSEPH G. R. LABRIE, CITY CLERK  
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1 STATE OF CALIFORNIA )  
2 ) SS  
3 CITY OF AUBURN )  
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6 On or before the 25th day of July 2011, as required by the Government Code  
7 of the State of California, the owners of each of the properties described in the  
8 attached list were notified by United States Mail to destroy noxious or  
9 dangerous weeds, of which the annexed is a true copy, and setting the 25th  
10 day of July 2011 as the date upon which owners of said property could attend  
11 a meeting of the Council of the City of Auburn, when their objections will be  
12 heard and given due consideration.  
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21 SUBSCRIBED AND SWORN TO BEFORE ME  
22 This \_\_\_\_\_ day of \_\_\_\_\_, AUBURN  
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City Clerk

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## [Appendix "A"]

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Street Name	Address	APN
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Buena Vista	193	001-121-032-000
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Deerbooke Trail	790	042-410-083-000
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Dorothy Way	659	001-012-016-000
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Eagles Nest	3075	055-290-004-000
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East Placer	188	002-092-028
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8

Electric St	240	003-012-009-000
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9

Electric St	250	003-012-010-000
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Electric St		003-012-025
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11

Foresthill Ave	Lot	003-072-011-000
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High Street	1780	004-360-005-000
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High Street	1760	004-360-004-000
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High Street	1720	004-360-002-000
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High Street	1700	004-360-001-000
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High Street	1605	004-100-033-000
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High Street	1585	004-100-034-000
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High Street	1500	004-100-020-000
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High Street	1780	004-360-005-000
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High Street	1800	004-360-006-000
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High Street	1600	004-100-025-000
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High Street	1585	004-100-034-000
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Jordan Lane		003-130-009-000
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Kenmass	155	002-092-039-000
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Kenmass Alley		002-092-039-000
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Lakeridge Drive	604	042-407-007-000
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Lakeridge Drive	627	042-410-089-000
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Lincoln Way	995	002-190-035
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Live Oak	267	001-150-015-000
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Maidu and Riverview		055-040-028-000
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Maidu and Riverview		055-040-029-000
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Maidu and Riverview		055-040-031-000
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Miles Court	465	004-360-014-000
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Miles Court	420	004-360-008-000
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Miles Court	460	004-360-010-000
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Nevada Street	142	001-143-039-000
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Nevada Street	136	001-143-022-000
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Nevada Street	120	001-143-013-000
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Nevada Street	130	001-143-014-000
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Nevada Street	116	001-143-012-000
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Nevada Street	455	
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Nevada Street (open)		038-150-002-000
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North McDaniel	119	004-310-033-000
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Olive Orchard	446	003-103-008-000
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Placerado Street	190	004-091-004-000
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1	Reamer Street	215	002-073-006-000
	Robie Point	382	055-020-023-000
2	Robie Point Area		004-176-026-000
	Sacramento Street	195	002-240-071-000
3	Sacramento Street	520	055-150-007-000
	Sunrise Ridge		
4	Circle	10760	042-380-024-000
	Virginia/Open		004-083-016-000
5	Parcel		
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